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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,283	12/20/2001	J. Nagle Darragh	MESH034	2361
24273	7590	04/20/2006	EXAMINER	
MOTOROLA, INC INTELLECTUAL PROPERTY SECTION LAW DEPT 8000 WEST SUNRISE BLVD FT LAUDERDAL, FL 33322			ROBERTS, BRIAN S	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/022,283

Applicant(s)

DARRAGH, J. NAGLE

Examiner

Brian Roberts

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

- Applicant's Amendment filed on 1/30/2006 is acknowledged.
- Claims 1-30 remain pending.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which , applicant regards as the invention.

- In reference to claims 1, 11, and 21

Claim 1, 11, and 21 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted step is: initially selecting a routing path. In line 8, the method contains the step of selecting a selected routing path but there is not an initial step of selecting a routing path. Therefore, there is no basis for a "selected routing path". The Examiner suggests changing "selecting a selected routing path" to --selecting a routing path--.

- In reference to claims 2-10, 12-20 and 22-30

Claims 2-10, 12-20 and 22-30 are rejected because they depend on rejected claims 1, 11, and 21.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-30, as best understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Garahi et al. (US 6754188)

The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

- In reference to claim 1, 11, 21

In Figures 1-4, Garahi et al. teaches a system, method and instructions on computer readable medium for enabling a node in an ad-hoc packed switched network to route packets based on packet content that includes:

- A receiver (108) for receiving data packets from another node (step 1000; column 6 lines 40-42)
- A controller (112) adapted to:
 - Extract address and content (a routing strategy) from the data packet where the routing strategy includes information pertaining to a routing path to route the packet to a destination node where the routing path includes one of the other nodes in the network (step 1020; column 6 lines 43-53)
 - Selecting a routing path to route the data packet based on the routing strategy data (step 1030; column 6 lines 43-63)
 - Attach routing addresses (Update routing strategy data) in the data packet (column 6 lines 54-63)

- In reference to claims 2, 12, 22

Garahi et al. further teaches the routing strategy data includes information representing at least some of the nodes that the data packet visited prior to being received by the node. (column 4 lines 14-34; column 6 lines 54-67)

- In reference to claims 3, 13, 23

Garahi et al. further teaches a transmitter for transmitting the data packet to a node along the routing path. (column 4 lines 35-46; column 6 lines 54-67)

- In reference to claims 4, 14, 24

Garahi et al. further teaches the controller updating a routing table at the receiving node based on the updated routing strategy data. (column 5-6 lines 59-35)

- In reference to claims 5, 15, 25

Garahi et al. further teaches the controller selecting a routing path based on the routing information in the data packet. (column 6 lines 36-39)

- In reference to claims 6, 16, 26

Garahi et al. further teaches the controller selecting a routing path different than the routing path identified by the routing strategy data. (column 8 lines 19-41)

- In reference to claims 7, 17, 27

Garahi et al. further teaches the controller combining data representing at least two routing paths to generate a different routing path. (column 8-9 lines 42-12)

- In reference to claims 8, 18, 28

Garahi et al. further teaches the transmitter sending the update routing strategy to other nodes (column 7 lines 18-29)

- In reference to claims 9, 19, 29

Garahi et al. further teaches the controller generating a new routing strategy. (column 8-9 lines 66-11)

Response to Arguments

5. Applicant's arguments filed 1/30/2006 have been fully considered but they are not persuasive.

- In the Remarks on pg. 4, the Applicant contends that the term "selected routing path" in the independent claims is used to provide strict antecedent basis for the term "selected routing path" in the dependent claims.
- The Examiner respectfully submits that the term "selected routing path" is improper because the claim does not recite the step of initially selecting a routing path. Furthermore the term "selected routing path" in the independent claims does not provide strict antecedent basis for the term "said selected routing path" in the dependent claims and instead would provide strict antecedent basis for "said selected selected routing path".
- In the Remarks on pg. 6, the Applicant contends that Garahi does not teach updating the routing strategy data in the data packet.
- The Examiner respectfully disagrees. In column 6 lines 54-63, Garahi teaches a node receiving a data packet and selecting a route based upon the routing strategy. The node then will attach routing addresses (Updating routing strategy) to the data packet in the form of a header to transmit the data packet to the next neighboring node in the selected route.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Roberts whose telephone number is (571) 272-3095. The examiner can normally be reached on M-F 10:00-7:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BSR
04/13/2006



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